

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,

Plaintiff,

V.

WILLIAM WOLFE, et al.,

Defendants.

Civ. No. 04-0230 Erie
Magistrate Judge Baxter

ORDER

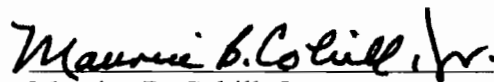
Upon de novo review of the pleadings and documents in the case, together with the report and recommendation, the following Order is entered.

AND NOW, this 31 day of March, 2008, for the reasons set forth in the Opinion accompanying this Order and in that portion of the November 8, 2007 Report and Recommendation adopted by the Court, it is HEREBY ORDERED, ADJUDGED AND DECREED that Defendants' Cross-Motion for Summary Judgment (Doc. 201) be and hereby is GRANTED on all of Plaintiff's claims. Summary Judgment is granted in favor of Defendants and against Plaintiff.

The report and recommendation of Magistrate Judge Baxter, filed on November 8, 2007, (Doc. 288) is adopted as the Opinion of the Court only as to Plaintiff's retaliation claim related to the removal of his z-code status in June 2002 allegedly as a result of the misconduct that was filed against Plaintiff for threatening to kill a corrections officer be granted.

The Court's June 12, 2007 Opinion and Order (Doc. 279) is hereby VACATED only insofar as we denied Defendants' Cross-Motion for Summary Judgment (Doc. 201) on Plaintiff's retaliatory transfer claim.

IT IS FURTHER ORDERED that Plaintiff's Motion for Clarification (Doc. 290) be and hereby is DENIED as moot.

A handwritten signature in black ink, reading "Maurice B. Cohill, Jr." with a stylized flourish at the end.

Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Anthony Defranco, pro se
counsel of record